IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.34710-M of 2007
Date of Decision:- 25.09.2007

Sarabjit Singh & others ....Petitioner(s)

through
Mr.A.S.Syan, Advocate

vs.

State of Punjab & others ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

In this petition under Section 482 Cr.P.C.. the petitioner seeks quashing of Calandra/complaint dated 17.4.2004 under Sections 182, 211, 500, 34 IPC as well as all the subsequent proceedings arising therefrom.

F.I.R.No.350 dated 29.11.2003 under Sections 406, 420, 467, 468, 471 IPC was got registered by the petitioners against respondent No.3 at Police Station, Civil Lines, Patiala.

After investigation, the allegations contained in the afore-stated F.I.R. were found to be false and a cancellation report was presented on 31.3.2004.

Even before the said cancellation report could be accepted, respondent No.3 made a complaint under Sections 182, 211, 500, 34 IPC against the petitioners for causing harassment to him. The said complaint led to initiation of the impugned proceedings against the petitioners.

Thereafter, it appears that the parties have resolved their property dispute in terms of a compromise deed dated 9.9.2006 arrived at before the learned Civil Court.

After hearing learned counsel for the parties and having regard to the fact that the impugned proceedings are otherwise likely to fall flat for the reason that respondent No.3-the complainant in all probabilities would not support his complaint, the continuation of the impugned proceedings is an exercise in futility and also amounts to abuse of process of law.

Consequently and for the reasons afore-stated, this petition is allowed; the impugned Calandra/complaint dated 17.4.2004 under Sections 182, 211, 500, 34 IPC and all the subsequent proceedings arising therefrom are hereby quashed.

September 25, 2007 **(SURYA KANT)**
poonam **JUDGE**